

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPLICANT(s):	Janne Uusilehto	CONF. NO.:	9703
SERIAL NO.:	09/942,382	ART UNIT:	3692
FILING DATE:	08/29/2001	EXAMINER:	Milef, Elda G.
TITLE:	METHOD FOR LOADING MONEY, AN ELECTRONIC DEVICE, AND A SYSTEM		
ATTORNEY DOCKET NO.:	460-010523-US (PAR)		

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
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APPELLANT'S BRIEF

This is an appeal from the final rejection of the claims in the above identified application. A Notice of Appeal and Request for Pre-Appeal Brief Review was electronically filed on December 12, 2006. The time for filing the appeal brief has been reset to be one month from February 27, 2007, which is the date of the Notice of Panel Decision from Pre-Appeal Brief Review.

I. REAL PARTY IN INTEREST

The real party in interest in this Appeal is Nokia Corporation, Espoo, Finland.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences regarding this application.

III. STATUS OF CLAIMS

Claims 1-14 are pending in the application.

Claims 1-14 have been finally rejected.

The claims on appeal are 1-14.

IV. STATUS OF AMENDMENTS

No further amendments were filed after the final rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1 recites a method for loading money from money loading means (15) to money depositing means (1), wherein money is deposited in electrical format. The method comprises defining a loading condition for loading money to the money depositing means (1) (P. 6, L. 32 – P. 7, L. 22), wirelessly transmitting an inquiry message at intervals by the money loading means (15) and examining whether the inquiry message transmitted by the money loading means (15) can be received by the money depositing means (1) (P. 7, L. 33-35; P. 8, L. 11-15; Fig. 4), wherein if the examination indicates that the inquiry message transmitted by the money loading means (15) can be received by the money depositing means (1), the method further comprises examining the

loading condition (P. 8, L. 22-28), wherein if the examination indicates that the loading condition is fulfilled, the loading takes place automatically (P. 4, L. 1-7; P. 8, L. 28-37).

Claim 9 recites an electronic device (5) comprising money depositing means (1) comprising means (8) for setting up a data transmission connection to money loading means (1), and means (8, 10, 13, 14) for loading money from the money loading means (15) to the money depositing means (1) (P. 5, L. 11 – P. 6, L. 16; Figs. 2 and 3), means (12) for determining a loading condition for loading money to the money depositing means (1) (P. 6, L. 32 – P. 7, L. 22), means (13, 14) for receiving an inquiry message transmitted at intervals by the money loading means (15) (P. 7, L. 33-35; Fig. 2) and means (10) for examining the loading condition adapted to examine whether the loading condition is fulfilled and whether the inquiry message transmitted by the money loading means (15) can be received (P. 8, L. 5-9), wherein the money depositing means (1) are adapted to perform the loading automatically, if the inquiry message transmitted by the money loading means (15) can be received and if the loading condition is fulfilled (P. 4, L. 1-7; P. 8, L. 11 – P. 9, L. 3; Fig. 3).

Claim 14 recites a system for loading money, comprising money loading means (15), an electronic device (5) comprising money depositing means (1), means (8) for setting up a data transmission connection between the electronic device (5) and the money loading means (15), means (8, 10, 13, 14) for loading money from the money loading means (15) to the money depositing means (1) (P. 5, L. 11 – P. 6, L. 16; Figs. 2 and 3), means (12) for determining a loading condition for loading money to the money depositing means (1) (P. 6, L. 32 – P. 7, L. 22), means (20) for transmitting an inquiry message at intervals from the money loading means (15) (P. 7, L. 35 – P. 8, L. 3), means (13, 14) for receiving the inquiry message transmitted by the money loading means (15) (P. 7, L. 33-35; Fig. 2) and means (10) for examining the loading condition adapted to examine whether the loading condition is fulfilled and whether the inquiry message transmitted by the money loading means (15) can be received (P. 8, L. 5-9), wherein the money depositing means (1) are adapted to perform automatically, if the inquiry message

transmitted by the money loading means can be received and if said loading condition is fulfilled (P. 4, L. 1-7; P. 8, L. 11 – P. 9, L. 3; Fig. 3).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Are claims 1-14 unpatentable under 35 U.S.C. 103(a) over Ferreira (U.S. Patent No. 6,115,601) in view of Kawan (U.S. Patent No. 6,442,532)?

VII. ARGUMENT

Claims 1-14 are patentable under 35 U.S.C. 103(a) over Ferreira in view of Kawan. Claim 1 recites in part, wirelessly transmitting an inquiry message at intervals by the money loading means and examining whether the inquiry message transmitted by the money loading means can be received by the money depositing means. The combination of Ferreira and Kawan does not disclose or suggest these features.

Ferreira discloses a mobile communication system where communication credits are stored in a secure module of a mobile communication appliance (Abstract). In Ferreira the secure module, in response to a trigger from the mobile communication appliance to reload a specified number of communication credits, checks whether the specified number of communication credits falls within a predetermined communication credit range stored in the secure module and acting upon the trigger if the outcome of the checking is positive (Col. 4, L. 18-25; Col. 8, L. 60-Col. 9, L. 1).

In Ferreira the initiative for reloading may be taken by the user (40) of the system or automatically by the communication appliance (10) or the secure module (30) within the communication appliance (Col. 5, L. 48-52). The secure module (30) is triggered by the mobile communication appliance (10) for reloading credits when the balance has dropped below a predetermined threshold or in response to user instructions. A reload

request message (50) is generated and authenticated by the secure module (30) and transmitted by the mobile communication appliance (10) to the reload server (20) (Col. 5, L. 52-55). The secure module (30) may be programmed to automatically determine a number of credits to be reloaded. One way of doing this is to always request a predetermined number of credits or, alternatively, request to be fully reloaded (i.e. request a predetermined maximum number of credits minus the actual balance at the moment of requesting the reload). The user (40) of the mobile communication appliance (10) specifies the number of credits to be reloaded. (Col. 8, L. 22-32).

In Ferreira the minimum and maximum number of credits are defined before reloading so that at least a minimum number of credits will be loaded. The upper limit may, for instance, represent a maximum number of credits, which at any moment may be stored in the secure module (Col. 8, L. 44-46).

Nowhere does Ferreira disclose or suggest transmitting an inquiry message by the money loading means or examining the inquiry message transmitted by the money loading means as recited by Applicant. In Ferreira, the secure module (30) is triggered by the mobile communication appliance (10) (i.e. the mobile phone) for reloading credits when the balance has dropped below a predetermined threshold or in response to user instructions. A reload request message (50) is generated and authenticated by the secure module (30) and transmitted by the mobile communication appliance (10) to the reload server (20) (Col. 5, L. 52-55). This is not the same as what is called for in claim 1.

Claim 1 calls for the loading of money on the money depositing means to be performed automatically in the vicinity of the money loading means, if the sum of money on the money depositing means is smaller than a predetermined limit. For example, in one embodiment in Applicant's invention, the user carries a mobile terminal comprising a smart card having an electronic cash application. When the user passes by an ATM that has sent out an inquiry message and which can wirelessly communicate with the smart card, via the mobile terminal, the smart card responds to the inquiry message and

checks whether a condition for loading electronic cash to the smart card is fulfilled or not. If the condition is fulfilled, the smart card begins the transaction with the ATM for loading electronic cash. To the contrary, in Ferreira the reload request message (50) is transmitted by the mobile phone not by the money loading means as recited in claim 1.

The Examiner also argues that Ferreira discloses a checking program module stored in program memory that checks if communication credits falls within the communication credit range in order to trigger a reload and that that the checking program module runs checks of the communication credit balance periodically in order to determine when to reload (See Final Office Action at page 6, lines 2-10). The Applicant disagrees. In Ferreira the secure module (30), within the appliance (10) (i.e. mobile phone), comprises means for, in response to a trigger from the mobile communication appliance to reload a specified number of communication credits, checking whether the specified number of communication credits falls within a predetermined communication credit range stored in the secure module and upon a positive outcome of the checking incorporating the specified number in the reload request message. The input checking may be implemented in software by operating processor (242) of the appliance (10) under control of a suitable checking program module (272) stored in the program memory (250) of the appliance (10). (Col. 8, L. 60 – Col. 9, L. 1). The secure module (30) is triggered by the mobile communication appliance in response to a user instruction for reloading credits (Col. 8, L. 22-24). Thus, contrary to the Examiner's argument the checking module (272) merely performs the input checking when the user initiates a trigger in the mobile communication appliance. The checks are not performed periodically as the Examiner suggests. It is further noted that all checking takes place within the mobile communication appliance (10).

Because Ferreira does not disclose or suggest transmitting an inquiry message by the money loading means there cannot be any examination of the "the inquiry message transmitted by the money loading means" as recited by Applicant. Combining Ferreira with Kawan fails to remedy these deficiencies of Ferreira.

Kawan discloses a financial information and transaction system that utilizes wireless communication in connection with portable terminals (Abstract). In Kawan signals provided from a wireless service provider are received by a transmitter/receiver portion (110) of the terminal (100). Conversely, signals are provided from the transmitter/receiver portion (110) of the terminal (100) to a front end processor via a wireless service provider. The terminal (100) is used to transmit data to and from a financial institution or financial network. (Col. 4, L. 50-53). The Examiner argues that the signals of Kawan are the same as the "inquiry message" claimed in claim 1. The Applicant disagrees.

The signals in Kawan are merely transaction messages to add value to the smart card after the user initiation of the transaction. In Kawan the user may insert a smart card into the smart card reader 108. The card first encrypts, then transmits to the terminal 100 information stored on a smart card. This information identifies the financial institution which maintains the user's account as well as the user's account number. (Col. 5, L. 5-9). Once authorization has been obtained, the user may determine the user's current account balance and/or request that value be added to the card (i.e. the user sends a transmission from the terminal to the financial institution to find out a balance of the user's bank account or request a value transfer to the card, the financial institution in Kawan does not send a signal to the terminal inquiring about a balance on the card nor does the financial institution initiate the transaction). In executing these requests, the terminal exchanges encoded information by wireless transmission with a financial network. The terminal may be used to directly add value to the user's card, and then request by wireless transmission that the customer's account be debited a corresponding amount. (Col. 5, L. 14-22). When the funds are transferred to and from the smart card, an encrypted bank signature appended to the funds certifies that the funds are "real." (Col. 5, L. 24-26).

Thus, in Kawan the transaction between the terminal and the financial institution is initiated by the user of the terminal, which is what is disclosed in Ferreira. The financial institution in Kawan does not initiate the transfer of value to the card nor does it send an

unsolicited "inquiry message" to the terminal (100). The messages sent in Kawan are sent after the user initiates the transaction and are merely messages to add value to the smart card, they are not "inquiry messages" "transmitted by the money loading" as in Applicant's claim 1. The inquiry in Kawan comes from the terminal (100) in response to user instructions and nothing more (Col. 5, L. 13-15). There is simply no disclosure in either Kawan or Ferreira of the "money loading means" transmitting an "inquiry message" as recited by Applicant. Thus, there cannot be any examination of the "the inquiry message transmitted by the money loading means" as recited by Applicant.

Therefore, claim 1 is patentable over the combination of Ferreira and Kawan because neither reference, individually or in combination discloses or suggests transmitting an inquiry message by the money loading means or examining the inquiry message transmitted by the money loading means as recited by Applicant. Claims 9 and 14 are patentable over the combination of Kawan and Ferreira for reasons similar to those described above with respect to claim 1. Claims 2-8 and 10-13 are patentable at least by reason of their respective dependencies.

Moreover, it is respectfully submitted that there is no legal motivation to combine Ferreira with Kawan. In order to establish a *prima facie* case of obviousness under 35 U.S.C. 103(a), there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. There must also be a reasonable expectation of success, and the reference(s), when combined, must teach or suggest all of the claim limitations. (See M.P.E.P. § 2142). As noted above, the combination of Ferreira and Kawan does not disclose or suggest each feature of Applicant's claims. Thus, a *prima facie* case of obviousness cannot be established.

Neither Ferreira nor Kawan provide any suggestion or motivation to be combined or modified as proposed by the Examiner and the Examiner's proposition that Applicant's invention would be obvious as recited in the claims is not supported by the factual contents of Ferreira or Kawan.

As described above, In Ferreira, the secure module (30) is triggered by the mobile communication appliance (10) (i.e. the mobile phone) for reloading credits when the balance has dropped below a predetermined threshold or in response to user instructions. A reload request message (50) is generated and authenticated by the secure module (30) within the appliance (10) and transmitted by the mobile communication appliance (10) to the reload server (20) (Col. 5, L. 52-55).

In Kawan, once authorization has been obtained, the user may determine the user's current account balance and/or request that value be added to the card (i.e. the user sends a transmission from the terminal to the financial institution to find out a balance of the user's bank account or request a value transfer to the card, the financial institution in Kawan does not send a signal to the terminal inquiring about a balance on the card nor does the financial institution initiate the transaction).

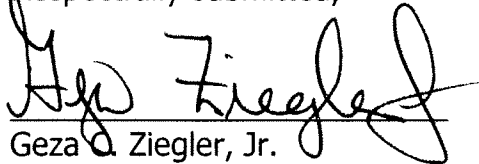
In both Ferreira and Kawan the mobile phone initiates the communications with the financial institution. Thus, if Ferreira and Kawan were combined the result would be the system of Ferreira having the ability to allow the user to check the user's bank account balance as described in Kawan only after communications are initiated by a user of the mobile phone.

This is not what called for in Applicant's claims. Applicant's claims call for wirelessly transmitting an inquiry message at intervals by the money loading means and examining whether the inquiry message transmitted by the money loading means can be received by the money depositing means.

When "the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such a teaching or suggestion appears in the reference". In re Rijckaert, 28 USPQ2d 1955, 1057 (Fed. Cir. 1993). The Examiner is requested to provide an indication as to where any such teaching, suggestion or motivation appears in the reference. Absent such a teaching, it is submitted that a *prima facie* case of obviousness over Ferreira and Kawan under 35 U.S.C. 103(a) is not established.

A check in the amount of \$500 is enclosed herewith for the appeal brief fee. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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Date: 27 March 2007

Signature: Natalie Ivanoff

Natalie Ivanoff
Person Making Deposit

VIII. CLAIM APPENDIX

1. A method for loading money from money loading means to money depositing means, wherein money is deposited in electrical format, the method comprising:

defining a loading condition for loading money to the money depositing means;

wirelessly transmitting an inquiry message at intervals by the money loading means;

and

examining whether the inquiry message transmitted by the money loading means can be received by the money depositing means;

wherein if the examination indicates that the inquiry message transmitted by the money loading means can be received by the money depositing means, the method further comprises examining said loading condition, wherein if the examination indicates that the loading condition is fulfilled, the loading takes place automatically.

2. The method according to claim 1, wherein said loading condition used is a minimum sum, wherein in the method, the sum of money deposited in the money depositing means is compared with said minimum sum, and loading takes place, if the deposited sum of money is smaller than said minimum sum.

3. The method according to claim 1, wherein said loading condition used is a maximum sum, wherein in the method, the sum of money deposited in the money depositing means is compared with said maximum sum, and loading takes place, if the deposited sum of money is smaller than said maximum sum.

4. The method according to claim 1, wherein in the method, also the sum of money to be loaded at each loading time is determined.

5. The method according to claim 1, wherein in connection with the loading of money, an identification number is transmitted to the money loading means for identification of the user.

6. The method according to claim 1, wherein a cash card is used as the money depositing means.

7. The method according to claim 1, wherein an automatic teller machine is used as the money loading means.

8. The method according to claim 1, wherein a mobile communication network is used as the money loading means.

9. An electronic device comprising:

money depositing means comprising means for setting up a data transmission connection to money loading means, and means for loading money from the money loading means to the money depositing means;

means for determining a loading condition for loading money to the money depositing means;

means for receiving an inquiry message transmitted at intervals by the money loading means; and

means for examining the loading condition adapted to examine whether the loading condition is fulfilled and whether the inquiry message transmitted by the money loading means can be received, wherein the money depositing means are adapted to perform the loading automatically, if the inquiry message transmitted

by the money loading means can be received and if said loading condition is fulfilled.

10. The electronic device according to claim 9, wherein the means for loading money comprise wireless communication means.

11. The electronic device according claim 9, wherein the money depositing means comprise a cash card.

12. The electronic device according to claim 9, further comprising an identification card for identifying the user of the electronic device, and wherein the money depositing means are arranged in connection with said identification card.

13. The electronic device according to claim 9, further comprising means for performing functions of a mobile station.

14. A system for loading money, comprising:

money loading means;

an electronic device comprising money depositing means;

means for setting up a data transmission connection between the electronic device and the money loading means;

means for loading money from the money loading means to the money depositing means;

means for determining a loading condition for loading money to the money depositing means;

means for transmitting an inquiry message at intervals from the money loading means;

means for receiving the inquiry message transmitted by the money loading means;
and

means for examining the loading condition adapted to examine whether the loading condition is fulfilled and whether the inquiry message transmitted by the money loading means can be received, wherein the money depositing means are adapted to perform automatically, if the inquiry message transmitted by the money loading means can be received and if said loading condition is fulfilled.

IX. EVIDENCE APPENDIX

Not applicable.

X. RELATED PROCEEDINGS APPENDIX

Not applicable.